

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION  
NO. 05-10088-MBB

JULIANNE MARIE EVANS  
Plaintiff,

vs.

NANTUCKET COMMUNITY SAILING, INC.,  
RONAN O'SIOCHRU and DONNCHA KIELY  
Defendants.

**DEFENDANTS' MOTION FOR LEAVE TO FILE OPPOSITION TO  
PLAINTIFF'S MOTION TO REVOKE STIPULATION LIMITING CLAIMS  
FOR DAMAGES TO THOSE RELATED TO TASTE AND SMELL LATE**

Now come the defendants, Nantucket Community Sailing, Inc., Ronan O'Siochru, and Donncha Kiely, in the above captioned action, by and through their undersigned counsel, and respectfully moves this Honorable Court for leave to file their *Opposition to Plaintiff's Motion to Revoke Stipulation Limiting Claims for Damages to Those Related to Taste and Smell* late.

The defendants submit in support of their motion the following circumstances.

The undersigned was on vacation when the *Plaintiff's Motion To Revoke Stipulation Limiting Claims For Damages To Those Related To Taste And Smell* was filed and received. The *Opposition* and *Memorandum Of Law And Fact* were drafted prior to the filing deadline with the anticipated proof reading and filing by the deadline. Because of an unscheduled and required assistance with one of the undersigned clients, the

undersigned was required to personally attend to the client's interests and defense. This resulted in the delayed filing of the *Opposition* and *Memorandum* by two days.

Defense counsel attempted to obtain plaintiff's counsel's assent prior to the deadline. Upon reaching the plaintiff's counsel on the following day, he advised that he did not have objection to the delayed filing. The delayed filing has not prejudiced the interests of any party or delayed any Court proceeding.

**WHEREFORE**, the defendants pray that this Honorable Court allow the defendants to fill their *Opposition to Plaintiff's Motion to Revoke Stipulation Limiting Claims for Damages to Those Related to Taste and Smell* late.

Respectfully submitted,  
By their attorneys,

**CLINTON & MUZYKA, P.C.,**

"/s/Thomas J. Muzyka"

**Thomas J. Muzyka**

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Dated: September 18, 2006